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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HECK, MICHAEL C	
ART UNIT	**PAPER NUMBER**
3623	

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary	Application No.	Applicant(s)	
	09/882,257	ARUNAPURAM ET AL.	
	Examiner	Art Unit	
	Michael Heck	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-67* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 June 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a First Office Action in response to the application filed 18 June 2001. Claims 1-67 are pending in this application and have been examined on the merits as discussed below.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 310 and 605.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "504" has been used to designate both the Executed Freight Movement Interface and the Manager Interface in Figure 5.

4. The drawings are objected to because the box designated as item 607 in Figure 8 should be item 609.

5. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities:

- Page 1, line 24, delete "Internet business", and insert -- Internet business*es* --.
- Page 9, lines 20-21, delete "of planning if optimized freight movements", and insert -- of planning *of* optimized freight movements --.

- Page 11, line 25, delete "his/or particular company", and insert -- his/*her* particular company --.
- Page 17, line 31, delete "asthe", and insert -- as the --.
- Page 24, line 1, page 52, lines 15-16, and page 54, line 4, indicate item designation 504 has two different meanings. On page 24, item 504 is identified as the "freight movement interface" and on pages 52 and 54, item 504 is the "manger interface". Please see drawing objection, paragraph 3 above.
- Page 24, line 7, delete "sales office 381", and insert -- sales office *318* --.
- Page 33, line 20, delete "through the POI", and insert -- through the *ROI* --.
- Page 36, line 10, and page 38, line 22, delete "an MLR", and insert -- *a* MLR --.
- Page 74, claim 51, delete "front-end interface ," and insert -- front-end interface, --.

The above citation is a mere guide. Applicant is requested to review the specification thoroughly to eliminate additional errors. Appropriate correction is required.

Claim Objections

7. Claims 9, 40, and 51 are objected to because of the following informalities: they do not end in a period.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 42 and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 42 and 53, the phrase "and/or" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. **Claims 1-12, 23-31, and 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls et al. (U.S. Patent 5,485,369) in view of Georgia (Georgia, Logility Reaches Agreement with INSIGHT to Enhance Supply Chain Optimization Capabilities, PR Newswire, New York, 30 April 1998 [PROQUEST]). Nicholls et al. disclose a transportation planning, execution, and freight payment managers and related methods comprising:

- [**Claim 24**] processing information related to the transportation of a good (Col. 1, lines 58-66, Nicholls et al. teaches a logistics management system that facilitates the process of shipping goods by a shipper having a predefined set of shipping requirements).

Nicholls et al. fail to teach determining a transportation solution for the good using the processed information. Georgia teaches that by integrating Logility's Transportation Planning and Management modules with INSIGHT's transportation optimization algorithms, users can

quickly and easily create routes, plan shipments and simultaneously evaluate modes for each shipment and optimally assign shipments to those modes and routes which guarantee lowest total transportation cost (Para 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include Georgia's transportation optimization algorithms with the teachings of Nicholls et al. since Nicholls et al. teach carrier rate structures data and process services using the carrier rate structure data (Col. 2, lines 5-9). A company's goal is to grow and maximize profits. Optimizing shipment modes lowers the total transportation cost. Lowering the transportation cost allows companies to be more competitive, therefore, increasing business while maximizing profits from operations.

- [**Claim 25**] the step of processing information includes processing order information, carrier information, and constraint information (Nicholls et al.: Col. 1, lines 5-11, Nicholls et al teach a logistics system for managing and integrating various aspects of order processing, order fulfillment and goods transportation and tracking. The rate server provides access to carrier rate structures. Georgia: Para 6, Georgia teaches Logility Value Chain Solutions deliver advanced collaborative planning and synchronizes demand opportunities with supply constraints and logistics operations.).

- [**Claim 26**] the step of determining a transportation solution includes producing multiple transportation solutions, wherein each of the solutions proposes an alternative transportation movement for the good (Georgia: Para 4, Georgia teaches users can quickly and easily create routes, plan shipments and simultaneously evaluate modes for each shipment and optimally assign shipments to those modes and routes which guarantee lowest total transportation cost).

- [**Claim 27**] each of the solutions identifies one or more particular carriers and equipment needed to perform the transportation of the good (Georgia: Para 1, Georgia teaches the optimization algorithms for transportation planning offers customers functionality for selecting the best mode of transportation and planning shipments whether using common carriers or routing a private fleet. The examiner interprets "mode" to be equipment such as truck, airplane, ship, etc.).

- [**Claim 28**] the step of determining a transportation solution selects a lowest cost solution for transporting the good (Georgia: Para 4, Georgia teaches users can quickly and easily create routes, plan shipments and simultaneously evaluate modes

for each shipment and optimally assign shipments to those modes and routes which guarantee lowest total transportation cost).

- [**Claim 29**] the step of receiving an update regarding a status and a location of the shipment (Nicholls et al.: Col. 1, lines 43-57, Nicholls et al. teach an advantage of the system includes convenient order tracking).

- [**Claim 30**] the update is in an electronic format (Nicholls et al. Col. 3, lines 38-45, Nicholls et al. teach a networked architecture in which a plurality of computers are interconnected).

- [**Claim 31**] storing the update (Nicholls et al.: Col. 11, lines 32-49, Nicholls et al. teach the methods of communicating between multiple processes running on the same CPU include shared memory).

- [**Claim 41**] there are multiple transportations, and the front-end user interfacing means permits the transportation planning manager to review and modify files for each transportation (Nicholls et al.: Figure 2 and Col. 7, lines 35-50, and Col. 8, lines 30-39, Nicholls et al. teach icons for all user-selectable program objects are placed in the logistics management System folder or window as shown in Figure 2. The Script Administration object allows the creation and editing of scripts for the modifications of default behavior of clients.).

Claims 1-12 and 23 substantially recite the same limitations as that of claims 24-31 and 41 with the distinction of the recited method being a system. Hence the same rejection for claims 24-31 and 41 as applied above applies to claims 1-12 and 23.

12. **Claims 13-19, 22, 32-37 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls et al. (U.S. Patent 5,485,369) and Georgia (Georgia, Logility Reaches Agreement with INSIGHT to Enhance Supply Chain Optimization Capabilities, PR Newswire, New York, 30 April 1998 [PROQUEST]) in view of Business Editors et al. (Business Editors et al., SAP and Federal Express Launch Integrated Solution to Extend Global Supply-Chain Capabilities to R/3 Users, Business Wire, 8 April 1998 [PROQUEST]). Nicholls et al. and Georgia disclose a transportation planning, execution, and freight payment managers and related

methods but fails to teach that the update on the status and the location is transmitted to a recipient of the transportation. Business Editors et al. teach the new integrated solution offers customers real-time shipping and tracking functions from order entry through package delivery (Para 3). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the real-time tracking functions of Business Editors et al. with the teachings of Nicholls et al. and Georgia since Nicholls et al. teach convenient order tracking to facilitate warranty, lot and serial number tracking (Col. 1, lines 43-57). Integration in business means cost reduction and improved customer service. Eliminating multiple systems with one system means businesses do not have manually to bridge the gap between one system to another and hope the transition is accurate and timely. Allowing a direct electronic feed via a computer eliminates inaccuracies and virtually eliminates the time element required for the transition since the information is provided immediately. Therefore, integrating shipping and tracking functions reduces cost and improves customer service since multiple systems do not have to be maintained and manually updated and customers can receive their needed information whenever they want it without wasting time to contact the shipper for a status.

- **[Claim 33]** using the update for external carrier performance tracking, private fleet performance tracking, and equipment tracking to improve a determination of a future transportation solution (Business Editors et al.: Para 4, Business Editors et al. teach that by leveraging the information-rich content FedEx maintains on every shipment, customers will realize improvements in planning, order and inventory management and customer satisfaction across the supply chain).

- **[Claim 34]** the step of tendering shipment requests to carriers (Business Editors et al.: Para 3, Business Editors et al. teach a FedEx package tracking number, as well as freight charges, can be obtained and assigned immediately via R/3 order entry while a customer order is being placed).

- [**Claim 35**] the step of tendering shipment includes transmitting the tenders electronically to the carriers (Business Editors et al.: Para 1, Business Editors et al. teach SAP AG and Federal Express Corp. jointly launched the first in a series of integrated software solutions that will link FedEx's logistics and transportation capabilities with the SAP™ R/3™ System).

- [**Claim 36**] the step of monitoring the carriers for one or more acceptances of the shipment requests (Business Editors et al.: Para 3, Business Editors et al. teach a FedEx package tracking number, as well as freight charges, can be obtained and assigned immediately via R/3 order entry while a customer order is being placed).

- [**Claim 37**] the step of receiving an accounting from a carrier for an actual cost for the transportation of the good (Business Editors et al.: Para 3, Business Editors et al. teach a FedEx package tracking number, as well as freight charges, can be obtained and assigned immediately via R/3 order entry while a customer order is being placed).

- [**Claim 40**] the step of forming a front-end interface, whereby the front-end user interface permits a transportation planning manager to interact with one or more databases to define a plurality of decision making algorithms (Business Editors et al.: Para 1, Business Editors et al. teach SAP has worked closely with FedEx to develop a certified interface, providing SAP and FedEx customers with a fully integrated supply chain solution for today's competitive global marketplace).

Claims 13-19 and 22 substantially recites the same limitations as that of claims 32-37 and 40 with the distinction of the recited method being a system. Hence the same rejection for claims 32-37 and 40 as applied above applies to claims 13-19 and 22.

13. **Claims 20, 21, 38 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls et al. (U.S. Patent 5,485,369) and Georgia (Georgia, Logility Reaches Agreement with INSIGHT to Enhance Supply Chain Optimization Capabilities, PR Newswire, New York, 30 April 1998 [PROQUEST]) in view of Quinn (Quinn, The Power of Integration, Logistics Management, 1 August 1998, [EBSCO]). As to claim 38, Nicholls et al. and Georgia disclose a transportation planning, execution, and freight payment managers and related methods but fails to teach paying to a carrier an actual cost for the transportation of the good. Quinn teaches in

addition to integrating with order entry, the transportation-management system connects with the J.D. Edwards financial module. Transportation costs are posted at the time the shipment is made (on an accrual basis) rather than posted when the shipment invoice arrives three or four weeks later. This approach results in more timely, reliable data for analyzing operations and making informed decisions (Para 6). The examiner interprets "posting" as the process of listing the cost in accounts payable to be paid. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the financial features of Quinn with the teachings of Nicholls et al. and Georgia since Nicholls et al. teach choosing the least cost carrier (Col. 7, lines 53-61). Integration in business means cost reduction and improved supplier service. Eliminating multiple systems with one system means businesses do not have to manually bridge the gap between one system to another and hope the transition is accurate and timely. Allowing a direct electronic feed via a computer eliminates inaccuracies and virtually eliminates the time element required for the transition since the information is provided immediately. Therefore, integrating the financial system with the transportation management system reduces cost and improves supplier service since multiple systems do not have to be maintained and manually updated and suppliers can receive payment electronically without having to incur the cost of sending a paper invoice to a customer and then waiting to be paid for services rendered.

- **[Claim 39]** the step of sending an invoice to a client for an actual cost of the transportation of the good (Quinn: Para 6, Quinn teaches the transportation costs are posted at the time the shipment is made (on an accrual basis) rather than posted when the shipment invoice arrives three or four weeks later).

Claims 20 and 21 substantially recites the same limitations as that of claims 38 and 39 with the distinction of the recited method being a system. Hence the same rejection for claims 38 and 39 as applied above applies to claims 20 and 21.

14. **Claims 42-67** substantially recite the same limitations of method claims 24-41 with the exception that the method is now a network, computer program product, program storage device, and a network of manager modules. It is respectfully submitted that the method must employ computers connected via a network to facilitate transportation planning and execution and the use of freight payment managers. Therefore, it is respectfully submitted that the network of claims **42-52**, the computer program product of claim **53**, the program storage device of claims **54-64**, and the network of manager modules of claims **65-67** are inherently incorporated in the invention disclosed in Nicholls et al., Georgia, Business Editors et al., and Quinn. Hence, the same rejections as stated above for claims 24-41 applies to claims 42-67.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sharpe et al. (U.S. Patent 4,713,761) discloses a system for determining and accounting for the cost of shipping goods.
- Lu et al. (U.S. Patent 5,450,317) discloses a method and system for optimizing logistics planning for recommending optimal order quantities and timing choice of

vendor locations and storage locations, and transportation modes, for individual items and for product families.

- Bellini et al. (U.S. Patent 5,974,395) discloses a system and method for extended enterprise planning across a supply chain to include the distribution resource planning system.
- Fruechtel (U.S. Patent 6,175,825) discloses a method for debiting shipping services on the basis of the respective transport service fee schedules of carriers.
- Altendahl et al. (U.S. Patent 6,571,213) discloses a router utility for a parcel shipping system.
- PR Newswire (PR Newswire, i2 Expands TradeMatrix™ Solution with FreightMatrix™- Electronic Marketplace for Logistics Industry, PR Newswire, New York, 29 February 2000 [PROQUEST]) discloses a logistics industry marketplace, which integrates logistics planning, commerce and execution in a comprehensive business-to-business electronic marketplace.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, and the 7th floor receptionist.

mch
12 March 2004

TARIQ R. HAFIZ
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